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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/601,540	09/06/2000	David Tomanek	6550-000017	4174

7590 07/14/2003

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EXAMINER

BRITTAIN, JAMES R

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 07/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

***Response to Amendment***

The reply filed on April 25, 2003 is not fully responsive to the prior Office action because of the following omission(s) or matter(s): Applicant indicates that claims 31-34 depend from claim 24 (remarks received January 10, 2003, page 7, line 10) which they don't since claim 31 is independent with claims 32-34 depending therefrom. Claim 31 requires the "functionalized selectively deformable non-linear nanotubes attached to and extending from said attachment surface" (lines 3-4). The remarks do not state with respect to claims 31-34 what arguments point out the specific distinctions believed to render these claims patentable over the applied references. Rule 1.111 (b) states "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references." Applicant has not point out the distinctions for claims 31-34. The inconvenience to applicant by my not previously recognizing the failure to point out the required argument for non-obviousness of the claimed subject matter in claims 31-34 is regretted. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given a **TIME PERIOD OF ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply to omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is 703-308-2222. The examiner can normally be reached on Monday - Friday from 5:30 to 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



James R. Brittain  
Primary Examiner  
Art Unit 3677

JRB  
July 12, 2003